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ABSTRACT

One of a series of guides on implementing the Americans with Disabilities Act (ADA), this guide focuses on employment considerations for people who have diabetes. First, the condition of diabetes mellitus, both Types I and II, is briefly explained. Next, the relationship of diabetes to the ADA is examined, including the definition of a disability in the ADA, and examples of how a person with diabetes might be discriminated against in employment. Next, implications of diabetes for the workplace are considered, as are types of jobs that people with diabetes do. Reasonable accommodations for a person with diabetes under the ADA are discussed, such as accommodating visual loss, facilitating regular testing of blood glucose levels, and frequent meal breaks. Employers are urged to assume that people with diabetes have the same career goals and aspirations as any other employee. A list of suggested resources is attached. (DB)

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EMPLOYMENT CONSIDERATIONS FOR PEOPLE WHO HAVE DIABETES

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Program on Employment and Disability
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What is Diabetes?

Diabetes mellitus results from the body's inability to use food effectively for energy, resulting in elevated blood sugar levels. Either the pancreas does not produce adequate insulin or the body cannot use the insulin effectively. There are two kinds of diabetes:

Type I, appropriately called insulin-dependent diabetes (formerly called juvenile onset); OR
Type II, known as non-insulin-dependent (formerly called adult onset diabetes). The title is not entirely accurate, since some Type II persons with diabetes must take insulin injections.

Type I diabetes represents only 10% of the 13,000,000 Americans with diabetes and is considered the more serious type. Once diagnosed, persons with diabetes Type I must monitor their blood sugar daily.

Persons with diabetes Type II, representing the other 95% of those with the condition, can control the disease with weight control, appropriate diet, and exercise. Many, but not all, take oral medication.

Half the people with diabetes do not know they have the condition. This may be dangerous since diabetes can lead to complications such as kidney problems, decreased vision, and foot disease, particularly if not well controlled. Employers may offer diabetes detection and education programs, using the resources of the local American Diabetes Association. This can alert employees to the symptoms of diabetes and encourage them to be tested so they can control the disease appropriately.

Diabetes cannot be cured, but it can be controlled. The person with diabetes needs to take responsibility for maintaining a good diet, exercising, and seeking appropriate medical care. Those who take good care of themselves can be healthier than other employees simply because they are knowledgeable about and participate in a healthy life-style.

Diabetes and the Americans with Disabilities Act (ADA)

The ADA defines a person with a disability in three ways:

(1) An individual who has a physical or mental impairment that substantially limits one or more major life activities;
(2) Someone who has a record of suc an impairment; or
(3) Someone who is regarded as having such an impairment.

Diabetes is not well known or understood by many employers. Many people with diabetes live and work successfully for years without negative impact on their work. Because their condition does not impact their ability to do their job, they may choose to not make their employer aware of their condition. Fear of discrimination keeps many employees with diabetes quiet.

In what areas might employers discriminate? As with any disability, the potential to discriminate exists at any point in the employment process.

Examples:

• A nurse sent her resume to 16 institutions, and in her cover letter mentioned her diabetes. She had only two responses, and no job offer.

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• A man with diabetes initially hired to run a shipboard boutique was rejected by the company doctor because a diabetic woman passenger slipped into a coma 20 years ago and died.

• An airline employee was forced to take two 10-minute breaks rather than one 20-minute break, during which time she had to test her blood sugar, take insulin, and eat. The change in her break schedule was insufficient time to complete the tasks required to maintain good diabetic control.

These situations reflect the fear and misunderstanding surrounding this condition. As with any other disability, employers are required by ADA to look at the actual limitations, not perceived limitations.

Workplace Implications of Diabetes

Despite good monitoring of diet, medication, and exercise, some people with diabetes may experience insulin reactions caused by hypoglycemia (low blood sugar). Insulin reaction can be caused by not eating at appropriate times, irregular working schedules, and/or change in exercise level.

A person experiencing hypoglycemia may become suddenly weak, shaky, or faint. Many people with diabetes recognize these symptoms and will immediately drink orange juice or eat something high in sugar. It only takes a few minutes for the person's blood sugar to return to normal.

The American Diabetes Association states, "Diabetes as such should not be a cause for discriminating against any person in employment. People with diabetes should be individually considered for employment weighing such factors as the requirements or hazards of the specific job, the individual's medical condition, and their treatment regimen (diet, oral hypoglycemic agents, and insulin). Any person with diabetes, whether insulin-dependent or non-insulin-dependent, should be eligible for any employment for which he or she is otherwise qualified."

What Types of Jobs Do People with Diabetes Do?

There are very few work restrictions for people with well controlled diabetes. Employers should not assume that diabetes will increase safety concerns, and must demonstrate that any medical examination or other screening be job related and consistent with business necessity. In addition, individuals should be assessed for their present ability to safely perform the essential functions of the job.

Problems may occur with those who cannot maintain blood sugar control, and consequently they should not work in dangerous areas. However, since this is quite uncommon, the employee, based on his or her experiences, should generally make this decision, not the employer. Diabetes is a highly individualized condition. Ideally, the employee, his or her doctor, and the employer work together to ensure success.

Performance Management

For the most part, people with diabetes should need no special treatment from their supervisors. An understanding of the condition and the possible need for regular work schedules and meal breaks may be required as a reasonable accommodation.

Living successfully with diabetes means that a person must be self-disciplined, self-aware, and self-responsible, all valued characteristics in many jobs.

Reasonably Accommodating a Person who has Diabetes

The Americans with Disabilities Act requires employers to "reasonably accommodate" the limitations imposed by a person's physical or mental disability. Reasonable accommodation is defined as modification or adjustment of a job, employment practice, or the work environment that makes it possible for a qualified person with a disability to be employed. The law states that the employer needs to accommodate from the first contact with the person with the disability, during the application process, on the job, in training, on the work site, and when considering promotions. If job duties change, new accommodations may need to be made.

The ADA requires an employer to accommodate unless doing so would cause the employer an undue hardship. If an employer finds that the cost of an accommodation would impose an undue hardship and no funding is available from another source, an applicant or employee with a disability should be offered the option of paying for the portion of the cost that constitutes an undue hardship, or of providing the accommodation.

The ADA requires that employers only accommodate known disabilities. Some people with diabetes do experience complications such as vision loss. Visual impairment due to diabetes may be quite gradual, and the vision may fluctuate from day to day.

If the diabetes has resulted in visual loss, accommodations can be made. Low vision aids may prove useful. The employee's eye care professional may suggest magnification, appropriate lighting, or large print materials. The employee may want to contact a local resource center for people who are blind or visually impaired for a low vision assessment on the job to find useful aids.

In some cases of diabetes, despite one's best efforts at maintaining good blood sugar control, the condition will progress. One's vision loss may be great enough that the person will need to learn alternative ways of performing activities. The employee may need to take a leave of absence to attend a formal program of vocational rehabilitation, where he or she will learn new ways to perform job duties. Vocational rehabilitation training will teach the person how to get around safely (perhaps with a white cane), use adaptive equipment, and perhaps perform job tasks in a somewhat different manner.

Training and Promotion

For most people with diabetes, the employer should have no concerns about training and promotion. If the employee's diabetes has caused significant functional limitations, and if training activities are planned, consult the employee about possible accommodations needed in the training environment.

These may include:

- regular testing of blood glucose levels and meal breaks
- training materials put into alternative formats such as large print
- having another trainee copy his or her notes if training is conducted in a darkened room

Employers should assume that people with diabetes have the same career goals and aspirations as any other employee. A person's diabetes should play no part in decisions about transfers and promotions. Concentrate only on the appropriateness of the person's skills for a new position and determine if reasonable accommodations are needed. Capitalize on the person's strengths and accommodate limitations to gain greatest productivity from the employee.

Resources

ADA Regional Disability and Business Technical Assistance Center Hotline (800) 949-4232 (voice/TTY).

The Equal Employment Opportunity Commission, 1801 L Street, N.W., Washington, DC 20507, 800-669-4000 (Voice) to reach EEOC field offices; for publications call (800) 800-3302 or (800)-669-EEOC (voice/TTY).

American Diabetes Association, National Service Center, 1660 Duke Street, P.O. Box 25757, Alexandria, VA 22314, (703) 549-1500

Frierson, James G. **Employer's Guide to the Americans with Disabilities Act,** Washington, DC: The Bureau of National Affairs, Inc., 1992.

If visual functioning is affected by diabetes, the employee or employer may wish to contact the local office of the state **Commission (or Services) for the Blind and Visually Impaired.** Look in your telephone directory under state services.

This publication was developed by Mary B. Dickson, President of Creative Compliance Management, a human resource consulting and training firm whose mission is to maximize human potential in the workplace. She is the author of ***Supervising Employees with Disabilities: Beyond ADA Compliance*** *published in 1993 by Crisp Publications, Inc. For more information, write to: 13629 SE Grant Court, Portland, OR 97233, or call (503) 255-9318.*

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OTHER TITLES IN THIS *IMPLEMENTING THE ADA* SERIES ARE:

Working Effectively with People who are Deaf or Hard of Hearing

Working Effectively with People who are Blind or Visually Impaired

Working Effectively with Persons who have Cognitive Disabilities

Workplace Accommodations for Persons with Musculoskeletal Disorders

Working Effectively with Employees who have Sustained a Brain Injury

Employing and Accommodating Workers with Psychiatric Disabilities

Employing and Accommodating Individuals with Histories of Alcohol and Drug Abuse

Employment Considerations for People who have Diabetes

Accommodating the Allergic Employee in the Workplace

Causes of Poor Indoor Air Quality and What You Can Do About It

Working Effectively with People with Learning Disabilities

Working Effectively with Individuals who are HIV-Positive

These and other informational brochures can be accessed on the World Wide Web at:
www.ilr.cornell.edu/ped/ada

For further information about publications such as these, contact the ILR Program on Employment and Disability, Cornell University, 102 ILR Extension, Ithaca, New York 14853-3901; or at ***607/255-2906*** *(Voice),* ***607/255-2891*** *(TTY), or* ***607/255-2763*** *(Fax).*